

IV. B. 2. Wild and Scenic Rivers

- a) Background. The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287) consists of Public Law 90-542 and amendments thereto and was passed by the Congress of the United States of America on October 2, 1968 that

“....certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations....”



- b) Governing Legislation, Regulations, and Other Directives.
- (1) Title 7, Part 1b and 1c, Code of Federal Regulations, USDA's National Environmental Policy Act.
 - (2) U.S. Wild and Scenic Rivers Act, as amended through Public Law 96-580, 1980.
 - (3) National Environmental Policy Act, 42 U.S.C. 4321
 - (4) U.S. Executive Order 11514, Protection and Enhancement of Environmental Quality.
 - (5) Title 7, Part 3100, Code of Federal Regulations, Department of Agriculture's Enhancement, Protection and Management of the Cultural Environment.
- c) Policy. Rural Development should not provide financial assistance or plan approval for any proposed action that would have a direct and adverse effect on the values for which a river has been either included in the National Wild and Scenic Rivers System (NWSRS) or is designated for potential addition. Additionally, Rural Development should not approve or



assist developments (Commercial, industrial, residential, farming, or community area), or on any stream tributary thereto which will invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area. Whenever a proposed action is determined to have the potential for impacting a Wild or Scenic River, the NPS, the BLM, or the FS (depending on which Federal agency has jurisdiction) should be consulted early in the environmental impact analysis process to evaluate the possible consequences of and protective requirements necessary concerning the action.

d) Classification.

(1) Classification for protection:

- (a) Designated in the NWSRS.
- (b) Under study for potential addition to the NWSRS.

(2) Classification criteria for Wild, Scenic, and Recreational River Areas:

(a) Water Resource Development:

(I) Wild:

Free of impoundment.

(II) Scenic:

Free of impoundment.

(III) Recreational:

Some existing impoundment or diversion, The existence of low dams, diversions, or other modifications of the waterway is acceptable, provided the waterway remains generally natural and riverine in appearance.

(b) Shoreline Development:

(I) Wild:

Essentially primitive. Little or no evidence of human activity. The presence of a few inconspicuous structures, particularly those of historic or cultural value, is acceptable. A limited amount of domestic livestock grazing or hay production is acceptable. Little or no evidence of past timber harvest. No ongoing timber harvest.

(II) Scenic:



Largely primitive and underdeveloped. No substantial evidence of human activity. The presence of small communities or dispersed dwellings or farm structures is acceptable. The presence of grazing, hay production or row crops is acceptable. Evidence of past or ongoing timber harvest is acceptable, provided the forest appears natural from the riverbank.

(III) Recreational:

Some development. Substantial evidence of human activity. The presence of extensive residential development and a few commercial structures is acceptable. Lands may have been developed for the full range of agricultural and forestry uses. May show evidence of past and ongoing timber harvest.

(c) Accessibility:

(I) Wild:

Generally accessible except by trail. No roads, railroads, or other provision for vehicular travel within the river area. A few existing roads leading to the boundary of the river area is acceptable.

(II) Scenic:

Accessible in places by road. Roads may occasionally reach or bridge the river. The existence of short stretches of conspicuous or longer stretches of inconspicuous roads or railroads is acceptable.

(III) Recreational:

Readily accessible by road or railroad. The existence of parallel roads or railroads on one or both banks as well as bridge crossings and other river access points is acceptable.

(d) Water Quality:

(I) Wild:

Meets or exceeds Federal criteria or federally approved State standards for aesthetics, for propagation of fish and wildlife normally adapted to the habitat of the river, and for primary contact recreation (swimming) except where exceeded by natural conditions.

(II) Scenic:



No criteria prescribed by the Wild and Scenic Rivers Act. The Federal Water Pollution Control Act Amendments of 1972 have made it a national goal that all waters of the United States be made fishable and swimmable. Rivers, therefore, will not be precluded from scenic or recreational classification because of poor water quality at the time of their study provided a water quality improvement plan exists or is being developed in compliance with applicable Federal and State laws.

(III) Recreational:

No criteria prescribed by the Wild and Scenic Rivers Act. The Federal Water Pollution Control Act Amendments of 1972 have made it a national goal that all waters of the United States be made fishable and swimmable. Rivers, therefore, will not be precluded from scenic or recreational classification because of poor water quality at the time of their study provided a water quality improvement plan exists or is being developed in compliance with applicable Federal and State laws.

- e) Agency Jurisdiction. The National Wild and Scenic Rivers System lies within three Federal jurisdictions: the Rocky Mountain Regional Office of the National Park Service, U.S. Department of the Interior, the Colorado State Office, Bureau of Land Management, or the Rocky Mountain Regional Office of the Forest Service, U.S. Department of Agriculture.

Confer with these agencies if the proposed Rural Development action (1) would be located within one-quarter mile of the banks of the river; (2) would involve withdrawing water from the river or discharging water to the river via a point source, or (3) would be visible from the river. Consultation should be initiated by a written request for comments on the potential impacts accompanied by a description of the project and its location. The reviewer should consult in other instances when the likelihood of an impact on a river in the system is identified as part of the environmental review.



The contact office for the NPS is:

U.S. Department of the Interior
National Park Service
Rocky Mountain System Support Office
Rivers, Trails, and Conservation Assistance
P.O. 25287
Denver, Colorado 80225-0287

Contact: Gary Weiner, (303) 969-2855.

<http://www.ncrc.nps.gov/rtca/nri/Co.htm>

The contact offices for the BLM are:

U.S. Department of the Interior
Bureau of Land Management
Colorado State Office
Branch of Lands and Recreation
2850 Youngfield Street
Lakewood, Colorado 80215-7076

Don Bruns (303) 239-3732.

<http://www.co.blm.gov/>

The field offices for the BLM are located at the following web-site:

<http://www.co.blm.gov/statemap2.htm>

The contact offices for the FS are field offices located at the following web-site:

<http://fs.fed.us/intro/directory/rg-2.htm>

- f) Location of Resource. A wild, scenic, or recreational river area eligible to be included in the NWSRS is a free-flowing stream and the related adjacent land area that possesses one or more key (outstandingly remarkable scenic, recreational, geological, fish and wildlife, historic, cultural, or other similar) values. Every wild, scenic, or recreational river in its free-flowing condition, or upon restoration to this condition, is considered eligible for inclusion in the NWSRS and, if included, is classified, designated, and administered as one of the following::



- (1) Wild river areas: those rivers or sections of rivers that are free of impoundments and are generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.
- (2) Scenic river areas: those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.
- (3) Recreational river areas: those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

Each Rural Development proposed action should be reviewed to determine if it would affect a river or portion of it which is either included in the National Wild and Scenic Rivers System, designated for potential addition to the system, or identified in the Nationwide Inventory prepared by the National Park Service (NPS) of the Department of the Interior. The Nationwide Inventory identifies those river segments that, after preliminary review, appear to qualify for inclusion in the system.

It is recommended that the initial point of contact regarding the locations of rivers listed in the NWSRS be the Rivers, Trails, and Conservation Assistance Office of the Rocky Mountain System Support Office of the National Park Service listed above in Section e). This office maintains a comprehensive listing of all river segments which comprise the NWSRS in Colorado. If the NPS identifies any river segments within the area of influence of the proposed Rural Development activity it can then be ascertained whose (NPS, BLM, or FS) jurisdictional responsibility area the activity would pertain to.

Information regarding the extent of the NWSRS in Colorado is available at the following web-site:

"Colorado Segments of the Nationwide Rivers Inventory":

<http://www.ncrc.nps.gov/rtca/nri/Co.htm>

g) Other References.

- 1) USDA/RUS Environmental Program Staff, Environmental Library

(Web-site for the full text of the Wild and Scenic Rivers Act)

<http://www.usda.gov/rus/water/ees/toc.htm#Statutes>